

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Adam Grant Smith,

Civil No. 10-2931 JNE/AJB

Plaintiff,

v.

ORDER

Michael J. Astrue,
Commissioner of Social Security,

Defendant.

Based upon the Report and Recommendation by United States Magistrate Chief Judge Arthur J. Boylan dated September 13, 2010, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that plaintiff Adam Grant Smith's motion to dismiss is **granted** [Docket No. 7] and that this matter is **dismissed without prejudice**. It is **further ordered** that plaintiff's motion for protective order is **denied as moot** [Docket No. 4].

Dated: 9-29-2010

s/ Joan N. Ericksen

Joan N. Ericksen

United States District Court Judge